

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 05-13985  
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FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT MAY 23, 2006 THOMAS K. KAHN CLERK
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D. C. Docket No. 04-00753-CV-M-E

ARTHUR J. WILLIAMS,

Plaintiff-Appellant,

versus

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Middle District of Alabama  
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**(May 23, 2006)**

Before HULL and WILSON, Circuit Judges, and DUPLANTIER\*, District Judge.

PER CURIAM:

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\*Honorable Adrian G. Duplantier, United States District Court for the Eastern District of Louisiana, sitting by designation.

Arthur J. Williams appeals the district court's order affirming the Commissioner's denial of his application for disability insurance benefits, 42 U.S.C. § 405(g). After review and oral argument, we vacate and remand.

In a previous remand order, the Appeals Council directed the Administrative Law Judge ("ALJ") to supplement the record with Williams's Department of Veterans Affairs ("VA") medical records. The ALJ complied with the order and requested the records, but apparently the records sent to the ALJ did not include the VA's Rating Decision, which found Williams disabled under the VA's disability framework. It is undisputed that the ALJ did not reference or address the Rating Decision in its June 6, 2002 decision.

Thus, on remand Williams shall be allowed to supplement the record before the ALJ with the VA's Rating Decision. The ALJ then shall review Williams's claim again and specifically address in its decision the VA's Rating Decision. While we recognize that the ALJ's prior decision addressed at some length Williams's VA medical evidence, nonetheless, in its decision the ALJ should specifically also consider and address the VA's Rating Decision itself.

Nothing here shall be construed as bearing on the ultimate outcome on remand as to whether Williams is or is not disabled and entitled to benefits.

In conclusion, we vacate the district court's order dated May 20, 2005 and

remand this case with instructions that it be returned to the Commissioner for further proceedings consistent with this opinion.

**VACATED AND REMANDED.**